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Order Regarding Motion for Sentence Reduction

## UNITED STATES DISTRICT COURT

NORTHERN

District of NEW YORK

UNITED STATES OF AMERICA

ORDER AND AMENDED JUDGMENT  
REGARDING MOTION FOR SENTENCE  
REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

V.

DAVID PARKER

Case Number: 5:05-cr-529-001 (DNH)USM Number: 13369-052Date of Previous Judgment: January 18, 2007Lisa A. Peebles, Esq.

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 63 months is **reduced to 60 months**.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)Previous Offense Level: 25Amended Offense Level: 23Criminal History Category: IIICriminal History Category: IIIPrevious Guideline Range: 70 to 87 monthsAmended Guideline Range: 60 to 71 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

☐ The reduced sentence is within the amended guideline range.

☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (**explain**): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**III. ADDITIONAL COMMENTS**


Except as provided above, all provisions of the judgment dated January 18, 2007 shall remain in effect.

**IT IS SO ORDERED.**

April 25, 2008

Order Date

Effective Date (if different from order date)

  
David N. Hurd  
District Judge